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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 GLEN TROGDON,

11 Plaintiff,

12 v.

13 CLARK COUNTY NAPHCARE, *et al.*,

14 Defendants.  
15

Case No. 2:08-CV-00584-KJD-PAL

**ORDER**

16 Presently before the Court is Plaintiff's Motion Stating That All Rules...Have Been Adhered  
17 to by Plaintiff (#17) which the Court will liberally construe as a motion to reconsider. Defendant  
18 John Scott filed a response in opposition (#18).

19 The State of Nevada accepted service on behalf of John Scott on April 30, 2009. The claims  
20 against John Scott were then dismissed on August 6, 2009. On October 1, 2009, the Court ordered  
21 Plaintiff to file proof of service on the remaining defendants. When Plaintiff failed to do so, the  
22 Court dismissed without prejudice the remaining defendants in accordance with Federal Rule of  
23 Civil Procedure 4(m). Then on October 30, 2009, Plaintiff filed the present motion asserting that he  
24 had paid the initial partial filing fee in accordance with the magistrate judge's order and essentially  
25 asking that the case be reopened. However, Plaintiff's payment of fees was never an issue.  
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1 Plaintiff may file a new complaint against the defendants that were dismissed without  
2 prejudice. Though given the opportunity to file proof of service with the Court and after having been  
3 instructed by the magistrate judge how to properly file the USM-285 forms in order to have service  
4 perfected by the United States Marshals, Plaintiff has still failed to demonstrate that he ever served  
5 the remaining defendants.

6 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion Stating That All  
7 Rules...Have Been Adhered to by Plaintiff (#17) is **DENIED**.

8 DATED this 14<sup>th</sup> day of September 2010.

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12 Kent J. Dawson  
13 United States District Judge  
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